



## Valex Amos, Jr. Law Office

Attorney at Law

March 23, 2016

27th JDC St. Landry Parish Court  
Attn: Civil  
P.O. Box 750  
Opelousas, LA 70571  
Baton Rouge, LA 70821

FACSIMILE (337)948-1653

RE: Petition for Joseph Sostand

16-C-1107-B

Please find enclosed for fax filing, Mr. Joseph Sostand's Petition for Damages. Please notify my office to confirm receipt and filing and notification of all actions in conjunction with the Petition for Damages. The originals will be placed in the mail. Should you have any questions, please contact my office.

Sincerely,

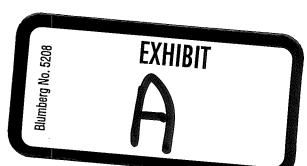
Valex Amos Jr.  
Attorney at Law

VA, Jr./lb  
Enclosure (s)

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PERSONAL INJURY • WRONGFUL DEATH • CIVIL • AUTOMOBILE ACCIDENTS • WORKERS COMP • CRIMINAL  
*Striving to provide excellence in service*

2014 W PINHOOK RD. • SUITE 404 • LAFAYETTE, LA 70508  
OFFICE: (337) 291-9115 • FAX (337) 291-1948 • Firm email: TheAmosLawFirm@cox-internet.com • VA, Jr. email: VamosJr@cox-internet.com



## Transmission Report

Date/Time  
Local ID 104-20-2016  
3379487265

11:03:50 a.m.

Transmit Header Text  
Local Name 1

St Landry Parish Clerk of Court

**This document : Confirmed  
(reduced sample and details below)**  
**Document size : 8.5" x14"**

St Landry Parish Daily Log Receipt Date: 04/20/2016 Time: 10:23:27	
Suit No. 141167 JOSEPH KENNEDY SONTARD vs ROLLING MEADOWS LAY SALES ETAL	
Date: 03/26/2016 Check No: 3335 Amount: \$428.00	
Comments: PETITION FOR DAMAGES	
Submitted By: VALERIE ANGUS JR APIC	
M. J. Deputy Clerk	

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	122	92911948	11:03:08 a.m. 04-20-2016	00:00:09	1/1	1	EC	HS	CP28800

## Abbreviations:

HS: Host send  
HR: Host receive  
WS: Waiting send

PL: Polled local  
PR: Polled remote  
MS: Mailbox save

MP: Mailbox print  
RP: Report  
FF: Fax Forward

CP: Completed  
FA: Fail  
TU: Terminated by user

TS: Terminated by system  
G3: Group 3  
EC: Error Correct

MAR/23/2016/WED 04:10 PM

P. 001

**LAW OFFICE OF VALEX AMOS JR.**  
2014 W. Pinhook Road  
Suite 404  
Lafayette, LA 70508

3/23/2016

**Fax**

To: 03/24/16 08:10:19  
27<sup>th</sup> JDC St. Landry Parish Clerk of Court  
Court

From: Laura with The Amos Law Office

Attn: Civil Dept. Pages: ( 9 ) WITH COVER

Fax: (337)948-1653 Fax: 337-291-1948

Phone: Phone: 337-291-9115

Re: Joseph Sostand Petition EMAIL: theamoslawfirm@cox-internet.com

Cc:

Fax:

MESSAGE: Please provide this office with a copy of the ER Physician's billing for treatment of Mr. Sostand with Opelousas General Hospital on March 27, 2015. I have enclosed an authorization form for your records.

- Urgent
- Please review
- Please comment
- For your records

MAR/23/2016/WED 04:10 PM

P. 002



## Valex Amos, Jr. Law Office

Attorney at Law

March 23, 2016

27th JDC St. Landry Parish Court  
Attn: Civil  
P.O. Box 750  
Opelousas, LA 70571  
Baton Rouge, LA 70821

FACSIMILE (337)948-1653

RE: Petition for Joseph Sostand

Please find enclosed for fax filing, Mr. Joseph Sostand's Petition for Damages. Please notify my office to confirm receipt and filing and notification of all actions in conjunction with the Petition for Damages. The originals will be placed in the mail. Should you have any questions, please contact my office.

Sincerely,

Valex Amos Jr.  
Attorney at Law

03/24/16 08:10:12  
St. Landry Parish Clerk of Court

VA, Jr./lb  
Enclosure (s)

PERSONAL INJURY • WRONGFUL DEATH • CIVIL • AUTOMOBILE ACCIDENTS • WORKERS COMP • CRIMINAL

*Striving to provide excellence in service*

2014 W PINHOOK RD. - SUITE 404 • LAFAYETTE, LA 70508

OFFICE: (337) 291-9115 • FAX (337) 291-1948 • Firm email: TheAmosLawFirm@cox-internet.com • VA, Jr. email: VAmosJr@cox-internet.com

JOSEPH KENNEDY SOSTAND

CIVIL DOCKET NO. 14C 1167 B

VERSUS

27TH JUDICIAL DISTRICT COURT

ROLLING FRITO-LAY SALES, LP,  
OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER and ACE  
AMERICAN INSURANCE  
COMPANY, FAMILY DOLLAR STORES OF  
LOUISIANA, INC. and XYZ  
INSURANCE COMPANY

ST. LANDRY PARISH, LOUISIANA

**Petition for Damages**

The petition of JOSEPH KENNEDY SOSTAND, an individual of legal age and a resident and domiciliary of St. Landry Parish, Louisiana, respectfully represents:

1.

The following parties, made defendants in this suit, are indebted to plaintiff, jointly, severally, and in solido for such damages as are reasonable in the premises, together with legal interest thereon from the date of judicial demand until paid:

- a. Rolling Frito-Lay Sales, LP, a foreign corporation authorized to do and doing business in the State of Louisiana with its principal place of business being at 7701 Legacy Drive, Plano, TX 75024, which may be served through its agent for Service of Process, CT Corporation System at 3867 Plaza Tower Dr., Baton Rouge, LA 70816.
- b. Old Frito-Lay, Inc., a foreign corporation authorized to do and doing business in the State of Louisiana, with its principal place of business being at 7701 Legacy Drive, Plano, TX 75024, which may be served through its agent for Service of Process, CT Corporation System at 3867 Plaza Tower Dr., Baton Rouge, LA 70816.
- c. Lee Anthony Speyler, an individual of legal age and a resident of Louisiana.
- d. Ace American Insurance, a foreign insurer authorized to do and doing business in the State of Louisiana with its principal place of business being at 1601 Chestnut St. Philadelphia, PA 19103. Their telephone number is (215)640-1000.
- e. Family Dollar Stores of Louisiana, Inc., a foreign corporation authorized to do and doing business in the State of Louisiana with its principal place of business being at 500 Volvo Parkway, Chesapeake, VA 23320, which may be served through its agent for Service of Process, CT Corporation System at 3867 Plaza Tower Dr., Baton Rouge, LA 70816.
- f. XYZ Insurance Company

03/24/16 03:10:17  
St. Landry Parish Clerk of Court

2.

At all times relative hereto, defendants, ROLLING FRITO-LAY SALES, LP and OLD

St. Landry Parish Clerk of Court's Office  
Filed 3-23 2016  
Shane SAWAGE  
Dy. Clerk

1

OPAQUIC, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

**FRITO-LAY, INC.**, hereinafter referred to as Frito-Lay is the owner and operator of a Frito-Lay business domicile at 7701 Legacy Drive, Plano, Texas and its employee, **LEE ANTHONY SPEYRER**.

3.

At all times relative hereto, defendant, **FAMILY DOLLAR STORES OF LOUISIANA, INC.**, was the owner and operator of store located in Lawtell, Louisiana, St. Landry Parish.

4.

On or about March 27, 2015, the plaintiff, **JOSEPH KENNEDY SOSTAND**, was a customer who was shopping at **FAMILY DOLLAR STORES OF LOUISIANA, INC. #11404** located at 10251 Prejean Hwy Lawtell, St. Landry Parish, Louisiana for snacks for his grandchildren.

5.

At all times relative hereto, defendant, **FAMILY DOLLAR STORES OF LOUISIANA #11404**, was operating a store in Lawtell, Louisiana, open to the public and to which the defendant solicited the public's business and plaintiff was in the defendant's store shopping as referred to in Paragraph "4" above.

6.

On that day, plaintiff, **JOSEPH KENNEDY SOSTAND** after locating his purchases down one of the aisles, he proceeded towards the check-out register, when suddenly without warning he was struck on his left side knee by a weighted freight cart filled with products being pushed by **LEE ANTHONY SPEYRER**, an employee for **FRITO-LAY**. The force of the impact caused **JOSEPH KENNEDY SOSTAND** to stumble and fall to both knees injuring his legs, knees, and suffering other injuries due to the fall.

7.

Due to inattention and carelessness of **LEE ANTHONY SPEYRER** the employee of **FRITO-LAY**, **JOSEPH KENNEDY SOSTAND** suffered injuries to his left side/knee with the freight cart.

8.

**JOSEPH KENNEY SOSTAND**, believes this condition was created by **LEE**

**ANTHONY SPEYRER the employee of FRITO-LAY while at FAMILY DOLLAR STORES OF LOUISIANA, INC. for his failure to see the customer and striking customer with a freight cart.**

**9.**

Family Dollar Stores of Louisiana is also liable because it failed to warn the customers re-stocking of store shelves were in progress and to be on the look-out for moving carts.

**10.**

Defendants' owes a duty to protect its customers from foreseeable conditions which they know can be hazardous, i.e. moving freight carts down the aisle.

**11.**

The accident was caused solely by the fault and negligence of said defendants, FRITO-LAY and LEE ANTHONY SPEYRER while in the course and scope of his employment for FRITO-LAY; and FAMILY DOLLAR STORES OF LOUISIANA, INC., in the following non-exclusive particulars:

- a. Failure to take reasonable precautionary measures to prevent the accident;
- b. Failure to keep a proper look out for customers while they shop, i.e. excessive force with freight cart;
- c. Strict liability for an unreasonably dangerous condition that is having actual or constructive knowledge and/or notice of an unreasonably dangerous condition, i.e., the freight cart, and failing to warn of or remedy said condition;
- d. Failure to take necessary precautions to insure the safety of the public including the plaintiff, JOSEPH KENNEDY SOSTAND;
- e. Failure to warn of a dangerous condition of which it had full knowledge;
- f. For all other acts and omissions shown at trial hereof.

**12.**

The defendants, FRITO-LAY, LEE ANTHONY SPEYRER AND FAMILY DOLLAR STORES OF LOUISIANA, INC., are solely liable in Solito for the dangerous condition which presented an unreasonable risk of harm to the plaintiff, JOSEPH KENNEDY SOSTAND.

**13.**

As a result of this accident, plaintiff, JOSEPH KENNEDY SOSTAND, suffered injuries to his legs, left knee, right knee, and other injuries.

**14.**

Because of the accident, plaintiff avers that the above described injuries and damages

resulting to plaintiff were caused solely and entirely by the negligence of the defendants, **FRITO-LAY, LEE ANTHONY SPEYRER AND FAMILY DOLLAR STORES OF LOUISIANA, INC.**, and that because of these injuries he has been damaged as follows:

**JOSEPH KENNEDY SOSTAND:**

- a. Past, present, and future medical expenses;
- b. Past, present and future pain and suffering;
- c. Past, present, and future mental anguish,
- d. Bodily injury, permanent disability, & disfigurement;
- e. Loss of enjoyment of life.

15.

Petitioner is entitled to the respective damages itemized above and defendants are indebted to petitioner for those damages jointly, severally, and in solido as a result of the above alleged facts.

16.

Prior to this accident, the defendant, **ACE AMERICAN INSURANCE COMPANY** issued to **ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC AND LEE ANTHONY SPEYRER** a policy of liability insurance which was in full force and effect at the time of this accident and which provides coverage for the damages suffered and sued upon by the plaintiff herein.

17.

Prior to this accident, the defendant, **XYZ INSURANCE COMPANY** issued to **FAMILY DOLLAR STORES OF LOUISIANA, INC.** a policy of liability insurance which was in full force and effect at the time of this accident and which provides coverage for the damages suffered and sued upon by the plaintiff herein.

**WHEREFORE**, Plaintiff prays:

- I. That a copy of this petition be served on the defendants, **ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC, LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY** and **FAMILY DOLLAR STORES OF LOUISIANA, INC. AND XYZ INSURANCE COMPANY** and that they be cited to answer thereto and after all due proceedings had, there be judgment in favor of the petitioner, **JOSEPH**

KENNEDY SOSTAND and against the defendants, ROLLING FRITO-LAY SALES, LP, OLD FRITO LAY, INC, LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY and FAMILY DOLLAR STORES OF LOUISIANA, INC. AND XYZ INSURANCE COMPANY, jointly, severally, and in solido, for such damages as are reasonable in the premises, together with legal interest thereon from the date of judicial demand until paid and for all costs of this suit.

II. For all orders necessary, general and equitable relief.

RESPECTFULLY SUBMITTED,

BY:

VALEX AMOS, JR.  
ATTORNEY FOR PLAINTIFF  
2014 W. PINHOOK ROAD, SUITE 404  
LAFAYETTE, LA 70508  
LA BAR ROLL: #24009  
TELEPHONE: (337) 291-9115  
FAX: (337) 291-1948  
[theamoslawfirm@cox-internet.com](mailto:theamoslawfirm@cox-internet.com)

PLEASE HOLD SERVICE ON ALL NAMED DEFENDANTS AT THIS TIME:  
The defendant,

ROLLING FRITO-LAY SALES, LP  
through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

OLD FRITO-LAY, INC.  
through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

LEE ANTHONY SPEYRER

ACE AMERICAN INSURANCE COMPANY  
through its registered agent:  
Louisiana Secretary of State  
8585 Archives Ave.  
Baton Rouge, LA 70809

**FAMILY DOLLAR STORES OF LOUISIANA, INC.**

through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**XYZ INSURANCE COMPANY**

JOSEPH KENNEDY SOSTAND	CIVIL DOCKET NO. _____
VERSUS	27TH JUDICIAL DISTRICT COURT
ROLLING FRITO-LAY SALES, LP AND JOHN DOE and ABC INSURANCE COMPANY, FAMILY DOLLAR STORES OF LOUISIANA, INC. and XYZ INSURANCE COMPANY	ST. LANDRY PARISH, LOUISIANA

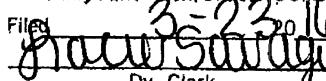
**REQUEST FOR NOTICE OF TRIAL**

TO THE CLERK OF COURT OF THE PARISH OF ST. LANDRY, STATE OF  
LOUISIANA:

PLEASE TAKE NOTICE that VALEX AMOS, JR., Attorney for Plaintiff, JOSEPH KENNEDY SOSTAND, do hereby request written notice of the date of trial of the above matter, as well as notice of hearings (whether on merits or otherwise), orders, judgment, and interlocutory decrees, and any and all formal steps taken by the parties herein, the Judge or any member of the court, as provided in Louisiana Code of Civil Procedure of 1980, particularly Articles 1572, 1913, and 1914.

**RESPECTFULLY SUBMITTED.**

BY:   
VALEX AMOS, JR.  
ATTORNEY FOR PLAINTIFF  
2014 W. PINHOOK ROAD, SUITE 404  
LAFAYETTE, LA 70508  
LA BAR ROLL: #24009  
TELEPHONE: (337) 291-9115  
FAX: (337) 291-1948  
[theamoslawfirm@cox-internet.com](mailto:theamoslawfirm@cox-internet.com)

St. Landry Parish Clerk Of Court's Office  
3-23-2016  
Filed  
  
Dy. Clerk

OPULEGAS, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
  
Cassie Miller  
Deputy Clerk of Court

CHARLES JAGNEAUX  
ST. LANDRY PARISH CLERK OF COURT  
P.O. BOX 750  
118 SOUTH COURT STREET  
BASEMENT FLOOR-COURTHOUSE BLDG., SUITE 11  
OPELOUSAS, LA 70570  
OFFICE PHONE: (337) 942-5606  
FAX NO. (337) 948-1653  
CIVIL & CRIMINAL DIVISION

CHARLES JAGNEAUX  
CLERK OF COURT

LISA DOYLE  
CHIEF DEPUTY

RECEIPT OF FACSIMILE TRANSMISSION

DATE FAX PLEADING RECEIVED: 3-23-16

CASE NAME & DOCKET NUMBER: Joseph Kennedy Sostand

vs. NO.: 1167 B

Rolling Frito-Lay Sales

Petition for Damages

Joseph Kennedy Sostand

Valex Amos Jr.

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per ACT NO. 463 of 1991.

The original pleading is to be forwarded within seven (7) days of this receipt together with the \$15.00 transmission fee; \$5.00 fee for this receipt; \$6.00 for first page of Fax, and \$4.00 for each Subsequent Page, the correct filing fee to cover the cost of filing and recording the facsimile as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this receipt and the original pleading.

Receipt Acknowledged

Abbie Grudhomme  
Deputy Clerk of Court

RECEIPT FAXED TO NUMBER: 291-1948

AMOUNT DUE: \$428.00 (cost without service)

## Transmission Report

Date/Time  
Local ID 1  
03-24-2016  
337 948 7265

08:24:26 a.m.

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Local Name 1

St Landry Parish Clerk of Court

**This document : Confirmed**  
**(reduced sample and details below)**  
**Document size : 8.5" x 14"**

CHARLES JAGNEAUX  
 ST. LANDRY PARISH CLERK OF COURT  
 P.O. BOX 726  
 118 SOUTH COURT STREET  
 BASEMENT FLOOR-COURTHOUSE BLDG., SUITE 11  
 OPELDORF, LA 70576  
 OFFICE PHONE: (337) 941-6466  
 FAX NO. (337) 941-1613  
 CIVIL & CRIMINAL DIVISION

CHARLES JAGNEAUX  
 CLERK OF COURT

LISA DOYLE  
 CHIEF DEPUTY

RECEIPT OF FACSIMILE TRANSMISSION  
 DATE FAX PLEADING RECEIVED: 3-23-16

CASE NAME & DOCKET NUMBER: Joseph Kennedy Sostand  
vs. no. 14-C-1167 B  
Rolling Friteray Sales

DESCRIPTION OF PLEADING: Petition for Damages

FILED ON BEHALF OF: Joseph Kennedy Sostand

ATTORNEY SIGNING PLEADING: James J. Morris Jr

This is to acknowledge that the above described facsimile transmission was received and filed on the date shown above as per ACT NO. 481 of 1991.

The original pleading is to be forwarded within seven (7) days of this receipt together with the \$15.00 transmission fee; \$5.00 fee for this receipt; \$5.00 for first page of Fax, and \$4.50 for each subsequent page, the current filing fee to cover the cost of filing and recording the facsimile, as well as the original pleading and any balance of costs due. When the original pleading is received, the file mark will indicate the actual date it is received.

The record will contain the facsimile pleading, this receipt and the original pleading.

Receipt Acknowledged  
Abbie Prudhomme  
 Deputy Clerk of Court

RECEIPT FAXED TO NUMBER: 241-1948

AMOUNT DUE: \$428.00 (cost without service)

Total Pages Scanned : 1

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## Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fall	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct

St Landry Parish

Daily Log Receipt

Date: 04/20/2016 Time: 10:23:27

Suit No. 161167

JOSEPH KENNEDY SOSTAND

vs

ROLLING FRITO LAY SALES ETAL

Date: 03/28/2016 Check No: 2935

Amount: \$428.00

Comments:

PETITION FOR DAMAGES

Remitted By:

VALEX AMOS JR APLC

  
Deputy Clerk

JOSEPH KENNEDY SOSTAND

VERSUS

CIVIL DOCKET NO. 16-C-1167-B

27TH JUDICIAL DISTRICT COURT

ROLLING FRITO-LAY SALES, LP,  
OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER and ACE  
AMERICAN INSURANCE  
COMPANY, FAMILY DOLLAR STORES OF  
LOUISIANA, INC. and XYZ  
INSURANCE COMPANY

ST. LANDRY PARISH, LOUISIANA

**Petition for Damages**

The petition of **JOSEPH KENNEDY SOSTAND**, an individual of legal age and a resident and domiciliary of St. Landry Parish, Louisiana, respectfully represents:

1.

The following parties, made defendants in this suit, are indebted to plaintiff, jointly, severally, and in solido for such damages as are reasonable in the premises, together with legal interest thereon from the date of judicial demand until paid:

- a. **Rolling Frito-Lay Sales, LP**, a foreign corporation authorized to do and doing business in the State of Louisiana with its principal place of business being at 7701 Legacy Drive, Plano, TX 75024, which may be served through its agent for Service of Process, CT Corporation System at 3867 Plaza Tower Dr., Baton Rouge, LA 70816.
- b. **Old Frito-Lay, Inc.**, a foreign corporation authorized to do and doing business in the State of Louisiana, with its principal place of business being at 7701 Legacy Drive, Plano, TX 75024, which may be served through its agent for Service of Process, CT Corporation System at 3867 Plaza Tower Dr., Baton Rouge, LA 70816.
- c. **Lee Anthony Speyrer**, an individual of legal age and a resident of Louisiana.
- d. **Ace American Insurance**, a foreign insurer authorized to do and doing business in the State of Louisiana with its principal place of business being at 1601 Chestnut St. Philadelphia, PA 19103. Their telephone number is (215)640-1000.
- e. **Family Dollar Stores of Louisiana, Inc.**, a foreign corporation authorized to do and doing business in the State of Louisiana with its principal place of business being at 500 Volvo Parkway, Chesapeake, VA 23320, which may be served through its agent for Service of Process, CT Corporation System at 3867 Plaza Tower Dr., Baton Rouge, LA 70816.
- f. **XYZ Insurance Company**

2.

At all times relative hereto, defendants, **ROLLING FRITO-LAY SALES, LP and OLD**

<sup>1</sup> St. Landry Parish Clerk of Court's Office  
Filed March 28 2016  
Yvonne Sanders  
By: Clerk

9-1-16  
LOUISIANA  
I declare under penalty of perjury that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

**FRITO-LAY, INC., hereinafter referred to as Frito-Lay** is the owner and operator of a Frito-Lay business domicile at 7701 Legacy Drive, Plano, Texas and its employee, **LEE ANTHONY SPEYRER.**

3.

At all times relative hereto, defendant, **FAMILY DOLLAR STORES OF LOUISIANA, INC.**, was the owner and operator of store located in Lawtell, Louisiana, St. Landry Parish.

4.

On or about March 27, 2015, the plaintiff, **JOSEPH KENNEDY SOSTAND**, was a customer who was shopping at **FAMILY DOLLAR STORES OF LOUISIANA, INC. #11404** located at 10251 Prejean Hwy Lawtell, St. Landry Parish, Louisiana for snacks for his grandchildren.

5.

At all times relative hereto, defendant, **FAMILY DOLLAR STORES OF LOUISIANA #11404**, was operating a store in Lawtell, Louisiana, open to the public and to which the defendant solicited the public's business and plaintiff was in the defendant's store shopping as referred to in Paragraph "4" above.

6.

On that day, plaintiff, **JOSEPH KENNEDY SOSTAND** after locating his purchases down one of the aisles, he proceeded towards the check-out register, when suddenly without warning he was struck on his left side knee by a weighted freight cart filled with products being pushed by **LEE ANTHONY SPEYRER**, an employee for **FRITO-LAY**. The force of the impact caused **JOSEPH KENNEDY SOSTAND** to stumble and fall to both knees injuring his legs, knees, and suffering other injuries due to the fall.

7.

Due to inattention and carelessness of **LEE ANTHONY SPEYRER** the employee of **FRITO-LAY, JOSEPH KENNEDY SOSTAND** suffered injuries to his left side/knee with the freight cart.

8.

**JOSEPH KENNEY SOSTAND**, believes this condition was created by **LEE**

**ANTHONY SPEYRER** the employee of **FRITO-LAY** while at **FAMILY DOLLAR STORES OF LOUISIANA, INC.** for his failure to see the customer and striking customer with a freight cart.

**9.**

Family Dollar Stores of Louisiana is also liable because it failed to warn the customers re-stocking of store shelves were in progress and to be on the look-out for moving carts.

**10.**

Defendants' owes a duty to protect its customers from foreseeable conditions which they know can be hazardous, i.e. moving freight carts down the aisle.

**11.**

The accident was caused solely by the fault and negligence of said defendants, **FRITO-LAY** and **LEE ANTHONY SPEYRER** while in the course and scope of his employment for **FRITO-LAY; and FAMILY DOLLAR STORES OF LOUISIANA, INC.**, in the following non-exclusive particulars:

- a. Failure to take reasonable precautionary measures to prevent the accident;
- b. Failure to keep a proper look out for customers while they shop, i.e. excessive force with freight cart;
- c. Strict liability for an unreasonably dangerous condition that is having actual or constructive knowledge and/or notice of an unreasonably dangerous condition, i.e., the freight cart, and failing to warn of or remedy said condition;
- d. Failure to take necessary precautions to insure the safety of the public including the plaintiff, **JOSEPH KENNEDY SOSTAND**;
- e. Failure to warn of a dangerous condition of which it had full knowledge;
- f. For all other acts and omissions shown at trial hereof.

**12.**

The defendants, **FRITO-LAY, LEE ANTHONY SPEYRER AND FAMILY DOLLAR STORES OF LOUISIANA, INC.**, are solely liable In Solito for the dangerous condition which presented an unreasonable risk of harm to the plaintiff, **JOSEPH KENNEDY SOSTAND**.

**13.**

As a result of this accident, plaintiff, **JOSEPH KENNEDY SOSTAND**, suffered injuries to his legs, left knee, right knee, and other injuries.

**14.**

Because of the accident, plaintiff avers that the above described injuries and damages

resulting to plaintiff were caused solely and entirely by the negligence of the defendants, **FRITO-LAY, LEE ANTHONY SPEYRER AND FAMILY DOLLAR STORES OF LOUISIANA, INC.**, and that because of these injuries he has been damaged as follows:

**JOSEPH KENNEDY SOSTAND:**

- a. Past, present, and future medical expenses;
- b. Past, present and future pain and suffering;
- c. Past, present, and future mental anguish,
- d. Bodily injury, permanent disability, & disfigurement;
- e. Loss of enjoyment of life.

**15.**

Petitioner is entitled to the respective damages itemized above and defendants are indebted to petitioner for those damages jointly, severally, and in solido as a result of the above alleged facts.

**16.**

Prior to this accident, the defendant, **ACE AMERICAN INSURANCE COMPANY** issued to **ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC AND LEE ANTHONY SPEYRER** a policy of liability insurance which was in full force and effect at the time of this accident and which provides coverage for the damages suffered and sued upon by the plaintiff herein.

**17.**

Prior to this accident, the defendant, **XYZ INSURANCE COMPANY** issued to **FAMILY DOLLAR STORES OF LOUISIANA, INC.** a policy of liability insurance which was in full force and effect at the time of this accident and which provides coverage for the damages suffered and sued upon by the plaintiff herein.

**WHEREFORE**, Plaintiff prays:

- I. That a copy of this petition be served on the defendants, **ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC, LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY** and **FAMILY DOLLAR STORES OF LOUISIANA, INC. AND XYZ INSURANCE COMPANY** and that they be cited to answer thereto and after all due proceedings had, there be judgment in favor of the petitioner, **JOSEPH**

KENNEDY SOSTAND and against the defendants, ROLLING FRITO-LAY SALES, LP, OLD FRITO LAY, INC, LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY and FAMILY DOLLAR STORES OF LOUISIANA, INC. AND XYZ INSURANCE COMPANY, jointly, severally, and in solido, for such damages as are reasonable in the premises, together with legal interest thereon from the date of judicial demand until paid and for all costs of this suit.

II. For all orders necessary, general and equitable relief.

RESPECTFULLY SUBMITTED,

BY: 

VALEX AMOS, JR.  
ATTORNEY FOR PLAINTIFF  
2014 W. PINHOOK ROAD, SUITE 404  
LAFAYETTE, LA 70508  
LA BAR ROLL: #24009  
TELEPHONE: (337) 291-9115  
FAX: (337) 291-1948  
[theamoslawfirm@cox-internet.com](mailto:theamoslawfirm@cox-internet.com)

**PLEASE HOLD SERVICE ON ALL NAMED DEFENDANTS AT THIS TIME:**  
The defendant,

**ROLLING FRITO-LAY SALES, LP**  
through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**OLD FRITO- LAY, INC.**  
through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**LEE ANTHONY SPEYRER**

St. Landry Parish Clerk of Court's Office  
3-28-2016  
FILED  
Sgt. [Signature]  
Dy. Clerk

**ACE AMERICAN INSURANCE COMPANY**  
through its registered agent:  
Louisiana Secretary of State  
8585 Archives Ave.  
Baton Rouge, LA 70809

OPELOUSAS, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

**FAMILY DOLLAR STORES OF LOUISIANA, INC.**  
through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**XYZ INSURANCE COMPANY**

JOSEPH KENNEDY SOSTAND

CIVIL DOCKET NO. 16C1167B

VERSUS

27TH JUDICIAL DISTRICT COURT

ROLLING FRITO-LAY SALES, LP  
AND JOHN DOE and ABC INSURANCE  
COMPANY, FAMILY DOLLAR STORES OF  
LOUISIANA, INC. and XYZ  
INSURANCE COMPANY

ST. LANDRY PARISH, LOUISIANA

**REQUEST FOR NOTICE OF TRIAL**

TO THE CLERK OF COURT OF THE PARISH OF ST. LANDRY, STATE OF  
LOUISIANA:

PLEASE TAKE NOTICE that VALEX AMOS, JR., Attorney for Plaintiff, JOSEPH KENNEDY SOSTAND, do hereby request written notice of the date of trial of the above matter, as well as notice of hearings (whether on merits or otherwise), orders, judgment, and interlocutory decrees, and any and all formal steps taken by the parties herein, the Judge or any member of the court, as provided in Louisiana Code of Civil Procedure of 1980, particularly Articles 1572, 1913, and 1914.

**RESPECTFULLY SUBMITTED,**

BY:   
VALEX AMOS, JR.  
ATTORNEY FOR PLAINTIFF  
2014 W. PINHOOK ROAD, SUITE 404  
LAFAYETTE, LA 70508  
LA BAR ROLL: #24009  
TELEPHONE: (337) 291-9115  
FAX: (337) 291-1948  
[theamoslawfirm@cox-internet.com](mailto:theamoslawfirm@cox-internet.com)

S. Landry Parish Clerk of Court's Office  
Filed 5-28-2010  
Shane Savage  
By Clerk

OPHELUS, LOUISIANA 9-1-2016  
I, the undersigned, certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court



## Valex Amos, Jr. Law Office

Attorney at Law

June 1, 2016

27<sup>th</sup> JDC St. Landry Parish Clerk of Court  
Attn: Civil Dept  
P.O. Box 750  
Opelousas, LA 70571-0750

RE: Joseph Sostand  
VS: 06/02/16 10:53:56  
St. Landry Parish Clerk of Court  
Rolling Frito-Lay Sales, LP, Old Frito-Lay, INC., Lee Anthony Speyrer and Ace  
American Insurance Company, Family Dollar Stores of Louisiana, INC., and XYZ  
Insurance Company  
Docket No: 16C 1167 B

Dear Clerk:

We recently filed suit in this matter and asked that service be held on all defendants until further notice. I ask that you have service of the Petition for Damages with citation be made on all defendants in this matter. Please refer to the attachments. I have already sent a check in the amount of \$428.00 to cover the associated filing fees. I also ask that you please notify me of the date and type of service made on all defendants. Should you have any questions, please call.

Thanking you for your kind professional courtesies and extending my own, I remain

Most sincerely,

  
Valex Amos, Jr.  
Attorney at Law

VA,JR./b

Enclosure (s)

✓

---

PERSONAL INJURY • WRONGFUL DEATH • CIVIL • AUTOMOBILE ACCIDENTS • WORKERS COMP • CRIMINAL  
*Striving to provide excellence in service*

2014 W PINHOOK RD. • SUITE 404 • LAFAYETTE, LA 70508  
OFFICE: (337) 291-9115 • FAX (337) 291-1948 • Firm email: TheAmosLawFirm@cox-internet.com • VA, Jr. email: VamosJr@cox-internet.com

---

**ATTACHMENT**

June 1, 2016

RE: Joseph Sostand Vs: Rolling Frito-Lay Sales, LP, Et Al  
Docket No: 16C 1167 B

Dear Clerk:

Please Serve all defendants in the above listed case with Petition for Damages.

**ROLLING FRITO-LAY SALES, LP**

through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**OLD FRITO- LAY, INC.**

through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

**LEE ANTHONY SPEYRER**

3320 Floyd Ave.  
Mamou, LA 70554

**ACE AMERICAN INSURANCE COMPANY**

through its registered agent:  
Louisiana Secretary of State  
8585 Archives Ave.  
Baton Rouge, LA 70809

**FAMILY DOLLAR STORES OF LOUISIANA, INC.**

through its registered agent  
CT Corporation System  
3867 Plaza Tower Dr.  
Baton Rouge, LA 70816

---

**XYZ INSURANCE COMPANY**

Thanking you for your kind professional courtesies and extending my own, I remain

VA,JR./lb

Enclosure (s)

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND

vs

ROLLING FRITO LAY SALES  
ET AL

27<sup>th</sup> JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

CIVIL NO. C-161167B

TO THE DEFENDANT ROLLING FRITO-LAY SALES, LP. THROUGH ITS REGISTERED  
AGENT, CT CORPORATION SYSTEM 3867 PLAZA TOWER DR. BATON ROUGE, LA  
70816

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance,either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof,under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

Yvonne Swango  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR.

4-1-16  
OPALOCKA, LOUISIANA  
I do hereby certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.

Cassie Miller  
Deputy Clerk of Court

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND  
vs  
ROLLING FRITO LAY SALES  
ETAL

27<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF ST. LANDRY  
CIVIL NO. C-161167B

TO THE DEFENDANT OLD FRITO-LAY, INC. THROUGH ITS REGISTERED AGENT, CT  
CORPORATION SYSTEM 3867 PLAZA TOWER DR. BATON ROUGE, LA. 70816

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance,either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof,under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH  
day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

J. Amerson  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND

vs

ROLLING FRITO LAY SALES  
ETAL

27<sup>th</sup> JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

CIVIL NO. C-161167B

TO THE DEFENDANT LEE ANTHONY SPEYRER 3320 FLOYD AVE. MAMOU, LA 70554

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance,either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof,under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

Shane George  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR.

OPELOUSAS, LOUISIANA 9-1 2016

This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.

Cassie Miller  
Deputy Clerk of Court

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND

27<sup>th</sup> JUDICIAL DISTRICT COURT

vs

PARISH OF ST. LANDRY

ROLLING FRITO LAY SALES  
ETAL

CIVIL NO. C-161167B

TO THE DEFENDANT ACE AMERICAN INSURANCE COMPANY, THROUGH ITS  
REGISTERED AGENT: LOUISIANA SECRETARY OF STATE. 8585 ARCHIVES AVE.  
BATON ROUGE, LA. 70809

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance,either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof,under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

Yvonne Savage  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR.

4-1 16  
OPELUSAS, LOUISIANA  
This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND

27<sup>th</sup> JUDICIAL DISTRICT COURT

vs

PARISH OF ST. LANDRY

ROLLING FRITO LAY SALES  
ETAL

CIVIL NO. C-161167B

TO THE DEFENDANT FAMILY DOLLAR STORES OF LOUISIANA, INC. THROUGH ITS  
REGISTERED AGENT: CT CORPORATION SYSTEM 3867 PLAZA TOWER DR. BATON  
ROUGE, LA 70816

You are hereby summoned to comply with the demand  
contained in the petition/of which a true and correct copy  
(exclusive of exhibits) accompanies this citation, or make  
an appearance,either by filing a pleading or otherwise, in  
the 27th Judicial District Court in and for the Parish of  
St. Landry, State of Louisiana, within fifteen (15) days  
after the service hereof,under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH  
day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

*Yvonne Savage*  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR.

OPELUSAS, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
Office of the Clerk of Court of St. Landry Parish.

*Cassie Miller*  
Deputy Clerk of Court

## Pay To:

Eddie Soileau  
Evangeline Parish Sheriffs Office  
200 Court Street, Courthouse Building  
Ville Platte, LA 70586

ST. LANDRY PARISH CLERK OF COURT  
P.O. BOX 750  
OPELOUSAS, LA 70570

PARISH 35	Charge	Paid	UnPaid
<b>SUIT NO. 161167 JOSEPH KENNEDY SOSTAND VS ROLLING FRITO LAY SALED ETAL</b>			
0218 CITATION & SUMMONS DOMICILIARY TO LEE ANTHONY SPEYER ON 06/13/2016 BY 16 VIDRINE JOSEPH KENNEDY SOSTAND VS ROLLING FRITO LAY SALED ETAL	35.30	0.00	35.30

\*\*\* TOTAL DUE THIS INVOICE \*\*\* 35.30

\*\*\*\*\*PLEASE RETURN THIS INVOICE OR A COPY WITH PAYMENT\*\*\*\*\*

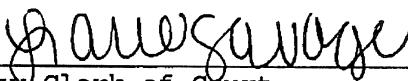
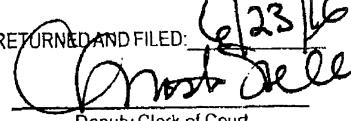
CITATION  
STATE OF LOUISIANA

\$35.00

JOSEPH KENNEDY SOSTAND  
vs  
ROLLING FRITO LAY SALES  
ETAL27<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF ST. LANDRY  
CIVIL NO. C-161167BTO THE DEFENDANT LEE ANTHONY SPEYRER 3320 FLOYD AVE. MAMOU, LA 70554

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016
  
Deputy Clerk of Court
REQUESTED BY: VALEX AMOS, JR.RETURNED AND FILED: 6/23/16
  
Deputy Clerk of Court
CLERK'S OFFICE  
EVANGELINE PARISH CLERK'S OFFICE

DATE SERVED 13 - June 2016  
 SERVED 14 ( )  
 PER 14 ( )  
 DOM 14 ( )  
 D.F. 14 ( )  
 URGENT TO 14 ( )  
 OTHER REASON FOR URGENT    
 COST: SERVICE   MILEAGE   TOTAL    
 DEPUTY Kerry Fenton EP 106  
30-11

SHREVEPORT, LOUISIANA 9-1-16 20  
 This is to certify that the above is a true  
 and correct copy of the original on file in the  
 office of the Clerk of Court of St. Landry Parish.  
  
 Cassel Miller  
 Deputy Clerk of Court

OK

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND  
VS  
ROLLING FRITO LAY SALES  
ET AL

27<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF ST. LANDRY  
CIVIL NO. C-161167B

TO THE DEFENDANT ROLLING FRITO-LAY SALES, LP. THROUGH ITS REGISTERED AGENT, CT CORPORATION SYSTEM 3867 PLAZA TOWER DR. BATON ROUGE, LA 70816

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

John Sewage  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR.

RETURNED AND FILED  
*John Sewage*  
Deputy Clerk of Court

JUN 14 2016

I made service on the named party through the  
CT Corporation

JUN 15 2016  
 by tendering a copy of this document to  
Jeannine Beauregard  Brenna Beauregard  
 Allison Reed  
DEPUTY CLINE BRELAND  
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

9-1-16  
COPPIUS, LOUISIANA  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.

*Cassie Miller*  
Deputy Clerk of Court

OK

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND  
vs  
ROLLING FRITO LAY SALES  
ET AL

27<sup>th</sup> JUDICIAL DISTRICT COURT  
PARISH OF ST. LANDRY  
CIVIL NO. C-161167B

TO THE DEFENDANT FAMILY DOLLAR STORES OF LOUISIANA, INC. THROUGH ITS  
REGISTERED AGENT: CT CORPORATION SYSTEM 3867 PLAZA TOWER DR. BATON  
ROUGE, LA 70816

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

Yvonne Savage  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR.

I made service on the named party through the  
CT Corporation

JUN 15 2016  
by tendering a copy of this document to  
 Jeannine Beauregard  Brenna Beauregard  
 Allison Reed  
DEPUTY CLINE BRELAND  
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

Chas S. C/24/16  
RETURNED AND FILED  
Deputy Clerk of Court

OPELUSAS, LOUISIANA 4-1-16  
This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.

Cassie Miller  
Deputy Clerk of Court

OK

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND

27<sup>th</sup> JUDICIAL DISTRICT COURT

VS

PARISH OF ST. LANDRY

ROLLING FRITO LAY SALES  
ETAL

CIVIL NO. C-161167B

TO THE DEFENDANT ACE AMERICAN INSURANCE COMPANY, THROUGH ITS  
REGISTERED AGENT: LOUISIANA SECRETARY OF STATE. 8585 ARCHIVES AVE.  
BATON ROUGE, LA. 70809

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

Janell George  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR.

I made service on the named party through the  
Office of the Secretary of State on

JUN 16 2016

by tendering a copy of this document to  
ANGIE GILL

DY. B. JAMES #0283

Deputy Sheriff, Parish of East Baton Rouge, Louisiana

RETURNED AND FILED: 6/16/16  
Christie Shelly  
Deputy Clerk of Court

4-1-16  
Baton Rouge, Louisiana  
I hereby certify that the above is a true  
and correct copy of the original on file in my  
office, the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

OK

CITATION  
STATE OF LOUISIANA

JOSEPH KENNEDY SOSTAND

VS

ROLLING FRITO LAY SALES  
ETAL

27<sup>th</sup> JUDICIAL DISTRICT COURT

PARISH OF ST. LANDRY

CIVIL NO. C-161167B

TO THE DEFENDANT OLD FRITO-LAY, INC. THROUGH ITS REGISTERED AGENT, CT CORPORATION SYSTEM 3867 PLAZA TOWER DR. BATON ROUGE, LA. 70816

You are hereby summoned to comply with the demand contained in the petition/of which a true and correct copy (exclusive of exhibits) accompanies this citation, or make an appearance, either by filing a pleading or otherwise, in the 27th Judicial District Court in and for the Parish of St. Landry, State of Louisiana, within fifteen (15) days after the service hereof, under penalty of default.

Witness the Honorable the Judges of said Court, this 28TH day of MARCH, A. D. 2016.

Issued and delivered JUNE 6, 2016

Shawn Savage  
Deputy Clerk of Court

REQUESTED BY: VALEX AMOS, JR

I made service on the named party through the  
CT Corporation

JUN 17 2016  
 by tendering a copy of this document to  Brenna Beauregard  
 Jeannine Beauregard  Alison Reed  
DEPUTY CLINE BRELAND  
Deputy Sheriff, Parish of East Baton Rouge, Louisiana

RETURNED AND FILED

6/27/16  
Deputy Clerk of Court

4-1 16  
I certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.

Cassie Miller  
Deputy Clerk of Court

## Transmission Report

Date/Time  
Local ID 1  
06-29-2016  
337 948 7265

12:14:52 p.m.

Transmit Header Text  
Local Name 1

St Landry Parish Clerk of Court

This document : Confirmed  
(reduced sample and details below)  
Document size : 8.5"x14"

CHARLES JAGNEAUX  
ST. LANDRY PARISH-CLERK OF COURT  
P. O. BOX 750  
OPELOUSAS, LA 70570

PHONE: (337)942-5604

FAX: (337)948-1633

Joseph Sustand

vs

Rolling - Fr. to - Lay Sales

DOCKET NO. 16 C 167 B

1<sup>st</sup> OF 2 PAGES (including cover page)FROM: Abbie PridhommeTO: Jack, E. TruettFAX NO: (936) 321-5252FAXED PLEADING: 100% off of time, request for notice  
COST: \$23.00ORIGINAL PLEADING: SAMECOST: \$20.00TOTAL COST: \$43.00

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Total Pages Scanned : 2

Total Pages Confirmed : 2

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	654	985 327 5252	12:13:46 p.m. 06-29-2016	00:00:28	2/2	1.	EC	HS	CP28800

## Abbreviations:

HS: Host send

PL: Polled local

CP: Completed

TS: Terminated by system

HR: Host receive

PR: Polled remote

FA: Fail

G3: Group 3

WS: Waiting send

MS: Mailbox save

TU: Terminated by user

EC: Error Correct

CHARLES JAGNEAUX  
ST. LANDRY PARISH-CLERK OF COURT  
P. O. BOX 750  
OPELOUSAS, LA 70570

PHONE: (337)942-5606

FAX: (337)948-1653

Joseph Sostand  
vs  
Folling - Frito - Lay Sales  
DOCKET NO. 16 C 1167 B

1<sup>st</sup> OF 2 PAGES (including cover page)

FROM: Abbie Prudhomme  
TO: Jack E Truitt  
FAX NO: (985) 321-5252

FAXED PLEADING: No ext of time ; request for notice  
COST: \$23.00

ORIGINAL PLEADINGS: Same  
COST: \$25.00

TOTAL COST: \$48.00

COMMENTS: \_\_\_\_\_

\_\_\_\_\_

# THE TRUITT LAW FIRM

A LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

149 NORTH NEW HAMPSHIRE STREET  
COVINGTON, LOUISIANA 70433-3235  
E-MAIL: MAIL@TRUITTLAW.COM

TELEPHONE:  
(985) 327-5266

FACSIMILE:  
(985) 327-5252

June 28, 2016

NEW ORLEANS OFFICE:

433 METAIRIE ROAD, SUITE 209  
METAIRIE, LOUISIANA 70005  
TELEPHONE: (504) 831-3393

WRITER'S E-MAIL:  
btruitt@truittlaw.com

Via Facsimile (337) 948-1653 and  
Regular U.S. Mail

Clerk of Court  
27<sup>th</sup> Judicial District Court  
P.O. Box 750  
Opelousas, Louisiana 70571-0750

RE: Joseph Kennedy Sostand  
vs. Family Dollar Stores of Louisiana, Inc.  
27<sup>th</sup> JDC, Docket No.:16-C1167, "B"  
Our file No. 13-07216  
Claim No.:301537131760001  
DOL: 3/27/2015

Dear Clerk:

Enclosed please find our Motion for Extension of Time and Request for Notice in connection with the captioned litigation. Please file into the record and return conformed copies to me in the enclosed, self-addressed and stamped envelope.

We are filing the above via facsimile pursuant to the provisions of Louisiana Revised Statute 13:850. Please confirm receipt of these pleadings and the cost associated with this facsimile filing.

We will remit the original pleadings and cost due within five days of today. If you have any questions, please do not hesitate to contact me.

With kindest regards,

JACK E. TRUITT

JET/blm  
Enclosures

cc: Valex Amos, Jr., Esq. (*Via Facsimile Transmission (337) 291-1948 w/encl.*)

St. Landry Parish Clerk of Court  
06/28/16 15:06:12  
St. Landry Parish Clerk of Court  
06/28/16 15:06:04

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER, AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

**MOTION FOR EXTENSION OF TIME**

NOW INTO COURT, through undersigned counsel, comes defendant, Family Dollar Stores of Louisiana, Inc., and respectfully moves this Honorable Court for an extension of time of thirty (30) days to file responsive pleadings. Mover respectfully represents that no previous extensions have been requested, and there are no objections to same in the record of this matter.

Respectfully submitted,

THE TRUITT LAW FIRM  
A Limited Liability Company

  
JACK E. TRUITT, BAR NO. 18476, T.A.  
PAMELA SEEBER CHEHARDY, BAR NO. 23562  
ALEXANDRA SCHULTZ, BAR NO. 35556  
RYAN D. KELLEY, BAR NO. 32527  
149 North New Hampshire Street  
Covington, Louisiana 70433  
Telephone: (985) 327-5266  
Facsimile: (985) 327-5252  
Email: [mail@truittlaw.com](mailto:mail@truittlaw.com)  
Counsel for Family Dollar Stores of Louisiana, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on June 28, 2016.



St. Landry Parish Clerk of Court's Office  
06/28/16 15:06:24

St. Landry Parish Clerk of Court's Office  
Filed 6-28-2016  
Cassie Miller  
Dy. Clerk

4-1-16  
OPENED AT LOUISIANA  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER, AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

ORDER

Considering the foregoing,

IT IS HEREBY ORDERED that defendant, Family Dollar Stores of Louisiana, Inc., is granted an additional thirty (30) days time or until the \_\_\_\_\_ day of \_\_\_\_\_, 2016, to file responsive pleadings in the above entitled and numbered matter.

Opelousas, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

THE HONORABLE A. GERALD CASWELL

St. Landry Parish Clerk of Court's Office

Filed 6-28 2016

Cassie Miller  
Dy. Clerk

9-1-16  
Opelousas, Louisiana  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

**REQUEST FOR NOTICE**

NOW INTO COURT, through undersigned counsel, comes defendant, Family Dollar Stores of Louisiana, Inc., and respectfully requests written notice of the date of trial, as well as written notice of each rendition by the Court of any judgment, and/or interlocutory order entered in the above entitled and numbered case pursuant to Articles 1913, 1914 and 1572 of the Louisiana Code of Civil Procedure.

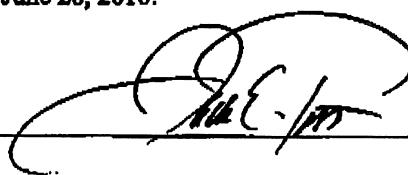
Respectfully submitted,

THE TRUITT LAW FIRM  
A Limited Liability Company

  
JACK E. TRUITT, BAR NO. 18476, T.A.  
PAMELA SEEBER CHEHARDY, BAR NO. 23562  
ALEXANDRA SCHULTZ, BAR NO. 35556  
RYAN D. KELLEY, BAR NO. 32527  
149 North New Hampshire Street  
Covington, Louisiana 70433  
Telephone: (985) 327-5266  
Facsimile: (985) 327-5252  
Email: [mail@truittlaw.com](mailto:mail@truittlaw.com)  
Counsel for Family Dollar Stores of Louisiana, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on June 28, 2016.



St. Landry Parish Clerk of Court's Office

Filed 6-28 2016

Cassie Miller

Dy. Clerk

OPELousas, LOUISIANA 4-1-16  
This is to certify that the above is a true  
copy of the copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish,  
Cassie Miller  
Deputy Clerk of Court

CHARLES JAGNEAUX  
ST. LANDRY PARISH-CLERK OF COURT  
P. O. BOX 750  
OPELOUSAS, LA 70570

PHONE: (337)942-5606

FAX: (337)948-1653

Joseph Sostand  
vs  
Rolling-Frito-Lay Sales  
DOCKET NO. 16 C 1167 B

1<sup>st</sup> OF 2 PAGES (Including cover page)FROM: Abbie PrudhommeTO: Jack E TruittFAX NO: (985) 327-5252FAXED PLEADING: No ext. of time ; request for notice  
COST: \$23.00ORIGINAL PLEADINGS: SameCOST: \$25.00TOTAL COST: \$48.00

COMMENTS: \_\_\_\_\_

TS 4/29/16  
Clerk 20182  
4/29/16

# THE TRUITT LAW FIRM

A LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

149 NORTH NEW HAMPSHIRE STREET  
COVINGTON, LOUISIANA 70433-3235  
E-MAIL: MAIL@TRUITTLAW.COM

TELEPHONE:  
(985) 327-5266

FACSIMILE:  
(985) 327-5252

NEW ORLEANS OFFICE:

433 METAIRIE ROAD, SUITE 209  
METAIRIE, LOUISIANA 70005  
TELEPHONE: (504) 831-3393

June 28, 2016

WRITER'S E-MAIL:  
btruit@truitlaw.com

Via Facsimile (337) 948-1653 and  
Regular U.S. Mail

Clerk of Court  
27<sup>th</sup> Judicial District Court  
P.O. Box 750  
Opelousas, Louisiana 70571-0750

RE: Joseph Kennedy Sostand  
vs. Family Dollar Stores of Louisiana, Inc.  
27<sup>th</sup> JDC, Docket No.:16-C1167, "B"  
Our file No. 13-07216  
Claim No.:301537131760001  
DOL: 3/27/2015

Dear Clerk:

Enclosed please find our Motion for Extension of Time and Request for Notice in connection with the captioned litigation. Please file into the record and return conformed copies to me in the enclosed, self-addressed and stamped envelope.

We are filing the above via facsimile pursuant to the provisions of Louisiana Revised Statute 13:850. Please confirm receipt of these pleadings and the cost associated with this facsimile filing.

We will remit the original pleadings and cost due within five days of today. If you have any questions, please do not hesitate to contact me.

With kindest regards,

JACK E. TRUITT

JET/blm  
Enclosures

cc: Valex Amos, Jr., Esq. (*Via Facsimile Transmission (337) 291-1948 w/encl.*)

07/01/16 11:27:17  
St. Landry Parish Clerk of Court

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER, AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

**MOTION FOR EXTENSION OF TIME**

NOW INTO COURT, through undersigned counsel, comes defendant, Family Dollar Stores of Louisiana, Inc., and respectfully moves this Honorable Court for an extension of time of thirty (30) days to file responsive pleadings. Mover respectfully represents that no previous extensions have been requested, and there are no objections to same in the record of this matter.

Respectfully submitted,

THE TRUITT LAW FIRM  
A Limited Liability Company

  
ZACK E. TRUITT, BAR NO. 18476, T.A.  
PAMELA SEEBER CHEHARDY, BAR NO. 23562  
ALEXANDRA SCHULTZ, BAR NO. 35556  
RYAN D. KELLEY, BAR NO. 32527  
149 North New Hampshire Street  
Covington, Louisiana 70433  
Telephone: (985) 327-5266  
Facsimile: (985) 327-5252  
Email: [mail@truittlaw.com](mailto:mail@truittlaw.com)  
Counsel for Family Dollar Stores of Louisiana, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on June 28, 2016.



St. Landry Parish Clerk of Court's Office

Filed July 1 2016

Cassie Miller

Dy. Clerk

07/01/16 11:27:24  
St. Landry Parish Clerk of Court

OPELUSAS, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.

Cassie Miller

Dy. Clerk of Court

**27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY**

# STATE OF LOUISIANA

NO: 16-C1167

## DIVISION "B"

## JOSEPH KENNEDY SOSTAND

## VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER, AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

## **DEPUTY CLERK**

## ORDER

**Considering the foregoing,**

**IT IS HEREBY ORDERED** that defendant, Family Dollar Stores of Louisiana, Inc., is granted an additional thirty (30) days time or until the 5<sup>th</sup> day of August, 2016, to file responsive pleadings in the above entitled and numbered matter.

Opelousas, Louisiana, this 5<sup>th</sup> day of July, 2016.

~~THE HONORABLE A. GERALD CASWELL~~

A. Gerard Caswell

St. Landry Parish Clerk of Court's Office  
Filed July 1 2016  
Carrie Miller  
Dy. Clerk

OPELousas, Louisiana 9-1 20 16  
This is to certify that the above is a true

This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish,

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED:

DEPUTY CLERK

**REQUEST FOR NOTICE**

NOW INTO COURT, through undersigned counsel, comes defendant, Family Dollar Stores of Louisiana, Inc., and respectfully requests written notice of the date of trial, as well as written notice of each rendition by the Court of any judgment, and/or interlocutory order entered in the above entitled and numbered case pursuant to Articles 1913, 1914 and 1572 of the Louisiana Code of Civil Procedure.

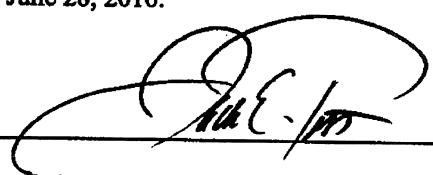
Respectfully submitted,

THE TRUITT LAW FIRM  
A Limited Liability Company

  
JACK E. TRUITT, BAR NO. 18476, T.A.  
PAMELA SEEBER CHEHARDY, BAR NO. 23562  
ALEXANDRA SCHULTZ, BAR NO. 35556  
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Facsimile: (985) 327-5252  
Email: [mail@truittlaw.com](mailto:mail@truittlaw.com)  
Counsel for Family Dollar Stores of Louisiana, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on June 28, 2016.

  
St. Landry Parish Clerk of Court's Office  
Filed July 1 2016  
Cassie Miller  
Dy. Clerk

OPELIA, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

THE TRUTTY LAW FIRM  
A LIMITED LIABILITY COMPANY  
ATTORNEYS AT LAW  
149 NORTH NEW HAMPSHIRE STREET  
COVINGTON, LOUISIANA 70433-3235



Mailed  
7-5-16

IRWIN FRITCHIE  
URQUHART & MOORE LLC  
COUNSELORS AT LAW

MATTHEW W. BAILEY  
DIRECT DIAL: 225.615.7395  
E-MAIL: [mbailey@irwinllc.com](mailto:mbailey@irwinllc.com)

400 CONVENTION STREET, SUITE 1001  
BATON ROUGE, LOUISIANA 70802  
TELEPHONE: 225.615.7150  
FACSIMILE: 504.310.2101

July 6, 2016

Via Facsimile (337) 948-1653

Clerk of Court  
27<sup>th</sup> Judicial District Court  
Parish of St. Landry  
118 S Court St #37  
Opelousas, LA 70570

07/06/16 16:20:24  
St. Landry Parish Clerk of Court

Re: Joseph Kennedy Sostand vs. Rolling Frito-Lay Sales, LP, et al  
27<sup>th</sup> JDC No.: 16-C1167  
Our File No.: 12058.1

Dear Clerk:

Please find enclosed an Answer to Petition for Damages and Request for Notice which I would appreciate you filing with the court. Under separate cover, I am forwarding to you, within the five day time period allowed by law, a check in the amount of \$200.00 to cover this cost and a self-addressed stamped envelope in which I would appreciate you returning a filed stamped copy.

Thank you for your assistance in this matter.

As Always, I remain

Very Truly Yours,

Matthew W. Bailey  
[mbailey@irwinllc.com](mailto:mbailey@irwinllc.com)  
MWB:mt

cc: Jean Wiley (Via Email - Claim No.: 30153913155-0001)  
Rachel Cosgrove (Via Email - Claim No.: Jj16J0331540)

27<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY  
STATE OF LOUISIANA

CIVIL DOCKET NO.: 16-C1167

SECTION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.  
LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY  
FAMILY DOLLAR STORES OF LOUISIANA, INC. and XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_ DEPUTY CLERK

ANSWER TO PETITION FOR DAMAGES

NOW INTO COURT through undersigned counsel, come ROLLING FRITO-LAY  
SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
who answer the Petition for Damages as follows:

1.

The allegations contained within paragraph 1 are denied as written.

2.

The allegations contained within paragraph 2 are denied as written.

3.

The allegations contained within paragraph 3 are denied for lack of sufficient  
information.

4.

The allegations contained within paragraph 4 are denied for lack of sufficient  
information.

5.

The allegations contained within paragraph 5 are denied for lack of sufficient  
information.

6.

The allegations contained within paragraph 6 are denied as written.

7.

The allegations contained within paragraph 7 are denied.

8.

The allegations contained within paragraph 8 are denied.

9.

The allegations contained within paragraph 9 are denied for lack of sufficient information.

10.

The allegations contained within paragraph 10 are denied.

11.

The allegations contained within paragraph 11 are denied.

12.

The allegations contained within paragraph 12 are denied.

13.

The allegations contained within paragraph 13 are denied for lack of sufficient information.

14.

The allegations contained within paragraph 14 are denied.

15.

The allegations contained within paragraph 15 are denied.

16.

These defendants admit that ACE American Insurance Company had in full force and effect a certain policy of insurance which policy provided certain coverages in favor of Rolling Frito-Lay Sales, LP, which policy is the best evidence of its own terms, conditions, coverages, limits and exclusions as if copied herein in extenso. All other allegations contained within paragraph 16 are denied.

17.

The allegations contained within paragraph 17 are denied for lack of sufficient information.

18.

If it is shown that Joseph Kennedy Sostand failed to mitigate his damages then these defendants plead same as a bar and/or reduction to his recovery.

19.

These defendants affirmatively assert and allege that the incident made the basis of the instant litigation was caused by the sole and/or partial fault of Joseph Kennedy Sostand in the following non-exclusive particulars:

- a) Failing to see what he should have seen;
- b) Failing to maintain a proper lookout;
- c) Creating a hazardous situation; and
- d) Any and all other acts of negligence which will be proven at the time of the trial of this matter.

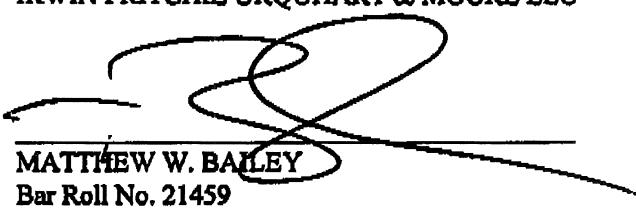
20.

ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY pray for and are entitled to a trial by jury.

WHEREFORE, the above premises considered, defendants, ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY, pray that their Answer be deemed good and sufficient and that after the lapse of all legal delays and due proceedings be held herein, there be judgment herein in favor of the defendants, ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY and against the plaintiff, dismissing his demands with prejudice at plaintiff's costs.

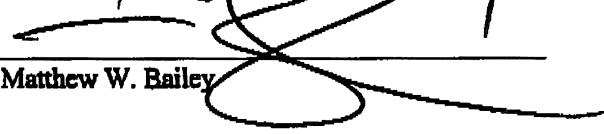
Respectfully submitted:

IRWIN FRITCHIE URQUHART & MOORE LLC

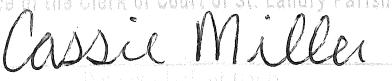
  
MATTHEW W. BAILEY  
Bar Roll No. 21459  
400 Convention Street, Suite 1001  
Baton Rouge, Louisiana 70802  
Telephone: (225) 615-7150  
Facsimile: (504) 310-2101

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding by either e-mail, facsimile, or mailing the same by First Class United States Mail, properly addressed and postage prepaid on this 10 day of September 2016.

  
Matthew W. Bailey

9-1-16  
This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.

  
Cassie Miller  
Deputy Clerk of Court

27<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY  
STATE OF LOUISIANA

CIVIL DOCKET NO.: 16-C1167

SECTION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.,  
LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC. and XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

---

REQUEST FOR NOTICE

---

Dear Sir:

In accordance with LSA-C.C.P. Article 1572, you are requested to give us notice by mail ten days in advance of the date fixed for trial or hearing of this case, whether on exception, motions, rules or the merits.

We also request immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon the rendition thereof as provided by LSA-C.C.P. Articles 1913 and 1914, including notice of judgment in the event this case be taken under advisement, or if the judgment is not signed at the conclusion of the trial.

We ask that you file this letter in the record with our pleadings as formal notice of the above requests.

Respectfully submitted:

IRWIN FRITCHIE UROCKHART & MOORE LLC



MATTHEW W. BAILEY  
Bar Roll No. 21459  
400 Convention Street, Suite 1001  
Baton Rouge, Louisiana 70802  
Telephone: (225) 615-7150  
Facsimile: (504) 310-2101

OPELUSAS, LOUISIANA 9-1-16  
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and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish,  
Cassie Miller  
Deputy Clerk of Court

IRWIN FRITCHIE  
URQUHART & MOORE LLC  
COUNSELORS AT LAW

MATTHEW W. BAILEY  
DIRECT DIAL: 225.615.7395  
E-MAIL: [mbailey@irwinllc.com](mailto:mbailey@irwinllc.com)

400 CONVENTION STREET, SUITE 1001  
BATON ROUGE, LOUISIANA 70802  
TELEPHONE: 225.615.7150  
FACSIMILE: 504.310.2101

July 6, 2016

**Via Facsimile (337) 948-1653**

Clerk of Court  
27<sup>th</sup> Judicial District Court  
Parish of St. Landry  
118 S Court St #37  
Opelousas, LA 70570

Re: Joseph Kennedy Sostand vs. Rolling Frito-Lay Sales, LP, et al  
27<sup>th</sup> JDC No.: 16-C1167  
Our File No.: 12058.1

Dear Clerk:

Please find enclosed an Answer to Petition for Damages and Request for Notice which I would appreciate you filing with the court. Under separate cover, I am forwarding to you, within the five day time period allowed by law, a check in the amount of \$200.00 to cover this cost and a self-addressed stamped envelope in which I would appreciate you returning a filed stamped copy.

Thank you for your assistance in this matter.

As Always, I remain

Very Truly Yours,

Matthew W. Bailey  
[mbailey@irwinllc.com](mailto:mbailey@irwinllc.com)  
MWB:mt

cc: Jean Wiley (Via Email - Claim No.: 30153913155-0001)  
Rachel Cosgrove (Via Email – Claim No.: Jj16J0331540)

07/12/16 09:22:27  
St. Landry Parish Clerk of Court

27<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

CIVIL DOCKET NO.: 16-C1167

SECTION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.,  
LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC. and XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

**ANSWER TO PETITION FOR DAMAGES**

NOW INTO COURT through undersigned counsel, come ROLLING FRITO-LAY  
SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
who answer the Petition for Damages as follows:

1.

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4.

The allegations contained within paragraph 4 are denied for lack of sufficient  
information.

5.

The allegations contained within paragraph 5 are denied for lack of sufficient  
information.

6.

The allegations contained within paragraph 6 are denied as written.

7.

The allegations contained within paragraph 7 are denied.

07/12/16 09:22:33  
St. Landry Parish Clerk of Court

8.

The allegations contained within paragraph 8 are denied.

9.

The allegations contained within paragraph 9 are denied for lack of sufficient information.

10.

The allegations contained within paragraph 10 are denied.

11.

The allegations contained within paragraph 11 are denied.

12.

The allegations contained within paragraph 12 are denied.

13.

The allegations contained within paragraph 13 are denied for lack of sufficient information.

14.

The allegations contained within paragraph 14 are denied.

15.

The allegations contained within paragraph 15 are denied.

16.

These defendants admit that ACE American Insurance Company had in full force and effect a certain policy of insurance which policy provided certain coverages in favor of Rolling Frito-Lay Sales, LP, which policy is the best evidence of its own terms, conditions, coverages, limits and exclusions as if copied herein in extenso. All other allegations contained within paragraph 16 are denied.

17.

The allegations contained within paragraph 17 are denied for lack of sufficient information.

18.

If it is shown that Joseph Kennedy Sostand failed to mitigate his damages then these defendants plead same as a bar and/or reduction to his recovery.

19.

These defendants affirmatively assert and allege that the incident made the basis of the instant litigation was caused by the sole and/or partial fault of Joseph Kennedy Sostand in the following non-exclusive particulars:

- a) Failing to see what he should have seen;
- b) Failing to maintain a proper lookout;
- c) Creating a hazardous situation; and
- d) Any and all other acts of negligence which will be proven at the time of the trial of this matter.

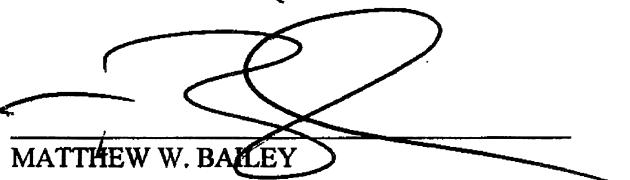
20.

ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY pray for and are entitled to a trial by jury.

WHEREFORE, the above premises considered, defendants, ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY, pray that their Answer be deemed good and sufficient and that after the lapse of all legal delays and due proceedings be held herein, there be judgment herein in favor of the defendants, ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY and against the plaintiff, dismissing his demands with prejudice at plaintiff's costs.

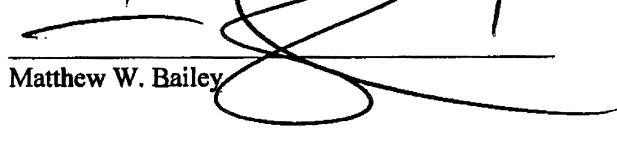
Respectfully submitted:

IRWIN FRITCHIE URQUHART & MOORE LLC

  
MATTHEW W. BAILEY  
Bar Roll No. 21459  
400 Convention Street, Suite 1001  
Baton Rouge, Louisiana 70802  
Telephone: (225) 615-7150  
Facsimile: (504) 310-2101

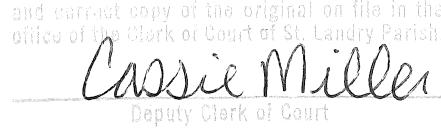
**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding by either e-mail, facsimile, or mailing the same ~~by First Class United States Mail~~ properly addressed and postage prepaid on this 10 day of September 2016.

  
Matthew W. Bailey

St. Landry Parish Clerk of Court's Office  
Filed 7-12 2016  
Cassie Miller  
Dy. Clerk

3

  
9-1-16  
CASSIE MILLER, LOUISIANA  
This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

27<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

CIVIL DOCKET NO.: 16-C1167

SECTION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.,  
LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC. and XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

---

**REQUEST FOR NOTICE**

---

Dear Sir:

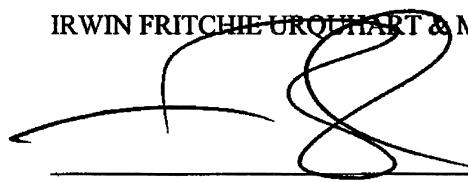
In accordance with LSA-C.C.P. Article 1572, you are requested to give us notice by mail ten days in advance of the date fixed for trial or hearing of this case, whether on exception, motions, rules or the merits.

We also request immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon the rendition thereof as provided by LSA-C.C.P. Articles 1913 and 1914, including notice of judgment in the event this case be taken under advisement, or if the judgment is not signed at the conclusion of the trial.

We ask that you file this letter in the record with our pleadings as formal notice of the above requests.

Respectfully submitted:

IRWIN FRITCHIE UROHART & MOORE LLC



MATTHEW W. BAILEY  
Bar Roll No. 21459  
400 Convention Street, Suite 1001  
Baton Rouge, Louisiana 70802  
Telephone: (225) 615-7150  
Facsimile: (504) 310-2101

4

St. Landry Parish Clerk of Court's Office  
Filed 7-12 2016  
Cassie Miller  
Dy. Clerk

OPELUSAS, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

IRWIN FRITCHIE  
URQUHART & MOORE LLC

COUNSELORS AT LAW  
400 CONVENTION STREET, SUITE 1001  
BATON ROUGE, LOUISIANA 70802

Matthew W. Bailey  
Irwin Fritchie Urquhart & Moore LLC  
400 Convention Street, Suite 1001  
Baton Rouge LA 70802-5614



Mailed  
7-12-16

IRWIN FRITCHIE  
URQUHART & MOORE LLC  
COUNSELORS AT LAW

MATTHEW W. BAILEY  
DIRECT DIAL: 225.615.7395  
E-MAIL: [mbailey@irwinllc.com](mailto:mbailey@irwinllc.com)

400 CONVENTION STREET, SUITE 1001  
BATON ROUGE, LOUISIANA 70802  
TELEPHONE: 225.615.7150  
FACSIMILE: 504.310.2101

July 6, 2016

**Via Facsimile (337) 948-1653**

Clerk of Court  
27<sup>th</sup> Judicial District Court  
Parish of St. Landry  
118 S Court St #37  
Opelousas, LA 70570

*BB*

Re: Joseph Kennedy Sostand vs. Rolling Frito-Lay Sales, LP, et al  
27<sup>th</sup> JDC No.: 16-C1167  
Our File No.: 12058.1

Dear Clerk:

Please find enclosed an Answer to Petition for Damages and Request for Notice which I would appreciate you filing with the court. Under separate cover, I am forwarding to you, within the five day time period allowed by law, a check in the amount of \$200.00 to cover this cost and a self-addressed stamped envelope in which I would appreciate you returning a filed stamped copy.

Thank you for your assistance in this matter.

*As Always, I remain*

*Very Truly Yours,*

Matthew W. Bailey  
[mbailey@irwinllc.com](mailto:mbailey@irwinllc.com)  
MWB:mt

cc: Jean Wiley (Via Email - Claim No.: 30153913155-0001)  
Rachel Cosgrove (Via Email – Claim No.: Jj16J0331540)

07/13/16 10:49:26  
St. Landry Parish Clerk of Court

27<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

CIVIL DOCKET NO.: 16-C1167

SECTION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.,  
LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC. and XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

**ANSWER TO PETITION FOR DAMAGES**

NOW INTO COURT through undersigned counsel, come ROLLING FRITO-LAY  
SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
who answer the Petition for Damages as follows:

1.

The allegations contained within paragraph 1 are denied as written.

2.

The allegations contained within paragraph 2 are denied as written.

3.

The allegations contained within paragraph 3 are denied for lack of sufficient  
information.

4.

The allegations contained within paragraph 4 are denied for lack of sufficient  
information.

5.

The allegations contained within paragraph 5 are denied for lack of sufficient  
information.

6.

The allegations contained within paragraph 6 are denied as written.

7.

The allegations contained within paragraph 7 are denied.

07/13/16 1045145  
St. Landry Parish Clerk of Court

8.

The allegations contained within paragraph 8 are denied.

9.

The allegations contained within paragraph 9 are denied for lack of sufficient information.

10.

The allegations contained within paragraph 10 are denied.

11.

The allegations contained within paragraph 11 are denied.

12.

The allegations contained within paragraph 12 are denied.

13.

The allegations contained within paragraph 13 are denied for lack of sufficient information.

14.

The allegations contained within paragraph 14 are denied.

15.

The allegations contained within paragraph 15 are denied.

16.

These defendants admit that ACE American Insurance Company had in full force and effect a certain policy of insurance which policy provided certain coverages in favor of Rolling Frito-Lay Sales, LP, which policy is the best evidence of its own terms, conditions, coverages, limits and exclusions as if copied herein in extenso. All other allegations contained within paragraph 16 are denied.

17.

The allegations contained within paragraph 17 are denied for lack of sufficient information.

18.

If it is shown that Joseph Kennedy Sostand failed to mitigate his damages then these defendants plead same as a bar and/or reduction to his recovery.

19.

These defendants affirmatively assert and allege that the incident made the basis of the instant litigation was caused by the sole and/or partial fault of Joseph Kennedy Sostand in the following non-exclusive particulars:

- a) Failing to see what he should have seen;
- b) Failing to maintain a proper lookout;
- c) Creating a hazardous situation; and
- d) Any and all other acts of negligence which will be proven at the time of the trial of this matter.

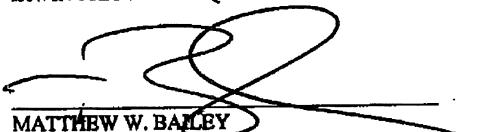
20.

ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY pray for and are entitled to a trial by jury.

WHEREFORE, the above premises considered, defendants, ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY, pray that their Answer be deemed good and sufficient and that after the lapse of all legal delays and due proceedings be held herein, there be judgment herein in favor of the defendants, ROLLING FRITO-LAY SALES, LP, LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY and against the plaintiff, dismissing his demands with prejudice at plaintiff's costs.

Respectfully submitted:

IRWIN FRITCHIE URQUHART & MOORE LLC

  
MATTHEW W. BAILEY  
Bar Roll No. 21459  
400 Convention Street, Suite 1001  
Baton Rouge, Louisiana 70802  
Telephone: (225) 615-7150  
Facsimile: (504) 310-2101

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding by either e-mail, facsimile, or mailing the same ~~first class~~ United States Mail, properly addressed and postage prepaid on this 10 day of July, 2016.

St. Landry Parish Clerk of Court's Office  
Filed 7-13-2016  
Cassie Miller  
Dy. Clerk

  
Matthew W. Bailey

3

9-1-16  
OPELUSAS, LOUISIANA, 2016  
This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

27<sup>TH</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

CIVIL DOCKET NO.: 16-C1167

SECTION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING FRITO-LAY SALES, LP, OLD FRITO-LAY, INC.,  
LEE ANTHONY SPEYRER and ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC. and XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

REQUEST FOR NOTICE

Dear Sir:

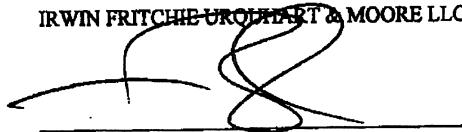
In accordance with LSA-C.C.P. Article 1572, you are requested to give us notice by mail ten days in advance of the date fixed for trial or hearing of this case, whether on exception, motions, rules or the merits.

We also request immediate notice of all orders or judgments, whether interlocutory or final, made or rendered in this case upon the rendition thereof as provided by LSA-C.C.P. Articles 1913 and 1914, including notice of judgment in the event this case be taken under advisement, or if the judgment is not signed at the conclusion of the trial.

We ask that you file this letter in the record with our pleadings as formal notice of the above requests.

Respectfully submitted:

IRWIN FRITCHIE UROHART & MOORE LLC



MATTHEW W. BAILEY  
Bar Roll No. 21459  
400 Convention Street, Suite 1001  
Baton Rouge, Louisiana 70802  
Telephone: (225) 615-7150  
Facsimile: (504) 310-2101

St. Landry Parish Clerk of Court's Office

Filed 7-13 2016

Cassie Miller

Dy. Clerk

4

OPCLOUDAS, LOUISIANA 9-1 2016

This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.

Cassie Miller  
Deputy Clerk of Court

IRWIN FRITCHIE  
URQUHART & MOORE LLC  
— C O U N S I L A T L A W —  
400 Poydras Street • Suite 2700  
New Orleans, Louisiana 70130

Matthew W. Bailey, Esquire  
400 Convention Street, Suite 1001  
Baton Rouge, LA 70802



Mailed  
7-14-16

## Transmission Report

Date/Time \* 07-25-2016 12:51:00 p.m. Transmit Header Text  
 Local ID 1 337 948 7265 Local Name 1 St Landry Parish Clerk of Court

This document : Confirmed  
 (reduced sample and details below)  
 Document size : 8.5"x14"

CHARLES JAGNEAUX  
 ST. LANDRY PARISH-CLERK OF COURT  
 P. O. BOX 750  
 OPELOUSAS, LA 70570

PHONE: (337)942-5606 FAX: (337)948-1653

Joseph Kennedy Sostand  
vs  
Family Dollar Stores of LA, Inc.  
DOCKET NO. 16-C-1167-B

1<sup>st</sup> OF 1 PAGES (including cover page)  
 FROM: Clerk of Court - Cassie Miller  
 TO: The Truitt Law Firm  
 FAX NO: 985-327-5252  
 FAXED PLEADING: Answer to Petition for  
Damages, Jury Order COST: \$27  
 ORIGINAL PLEADING: 11 11  
cost: \$185  
 TOTAL COST: \$42  
 COMMENTS:    
   
 

Total Pages Scanned : 1

Total Pages Confirmed : 1

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	520	985 327 5252	12:50:21 p.m. 07-25-2016	00:00:11	1/1	1	EC	HS	CP28800

Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fail	G3: Group 3
WS: Waiting send	MS: Mailbox save	FF: Fax Forward	TU: Terminated by user	EC: Error Correct

CHARLES JAGNEAUX  
ST. LANDRY PARISH-CLERK OF COURT  
P. O. BOX 750  
OPELOUSAS, LA 70570

PHONE: (337)942-5606

FAX: (337)948-1653

Joseph Kennedy Sostand  
vs  
Family Dollar Stores of LA., Inc.  
DOCKET NO. 16-C-1167-B

1<sup>st</sup> OF 1 PAGES (Including cover page)

FROM: Clerk of Court - Cassie Miller  
TO: The Truitt Law Firm  
FAX NO: 985-327-5252

FAXED PLEADING: Answer to Petition for  
Damages, Jury Order COST: \$27

ORIGINAL PLEADINGS: 11 11  
COST: \$185

TOTAL COST: \$212

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# THE TRUITT LAW FIRM

A LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

149 NORTH NEW HAMPSHIRE STREET  
COVINGTON, LOUISIANA 70433-3235  
E-MAIL: MAIL@TRUITTLAW.COM

TELEPHONE:  
(985) 327-5266

FACSIMILE:  
(985) 327-5252

NEW ORLEANS OFFICE:

433 METAIRIE ROAD, SUITE 209  
METAIRIE, LOUISIANA 70005  
TELEPHONE: (504) 831-3393

WRITER'S E-MAIL:  
btruitt@truittlaw.com

July 22, 2016

Via Facsimile (337) 948-1653 and

Regular U.S. Mail

Clerk of Court  
27<sup>th</sup> Judicial District Court  
P.O. Box 750  
Opelousas, Louisiana 70571-0750

RE: Joseph Kennedy Sostand  
vs. Family Dollar Stores of Louisiana, Inc.  
27<sup>th</sup> JDC, Docket No.:16-C1167, "B"  
Our file No. 13-07216  
Claim No.:301537131760001  
DOL: 3/27/2015

07/25/16 12:28:29  
St. Landry Parish Clerk of Court

Dear Clerk:

Enclosed please find our Answer to Petition for Damages and Jury Order in connection with the captioned litigation. Please file into the record and return conformed copies to me in the enclosed, self-addressed and stamped envelope.

We are filing the above via facsimile pursuant to the provisions of Louisiana Revised Statute 13:850. Please confirm receipt of these pleadings and the cost associated with this facsimile filing.

We will remit the original pleadings and cost due within five days of today. If you have any questions, please do not hesitate to contact me.

With kindest regards,

JACK E. TRUITT

JET/blm  
Enclosures  
cc: Valex Amos, Jr., Esq. (*Via Facsimile Transmission (337) 291-1948 w/encl.*)

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITOLAY, INC.  
LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

**ANSWER TO PETITION FOR DAMAGES**

NOW INTO COURT, through undersigned counsel, comes defendant, Family Dollar Stores of Louisiana, Inc., who respectfully answer the Petition for Damages of plaintiff as follows:

1.

The allegations contained in Paragraph 1 subparagraph (c) of plaintiff's Petition for Damages are admitted as to the status of Family Dollar Stores of Louisiana, Inc., only. All other allegations are denied for lack of sufficient information to justify a belief therein

2.

The allegations contained in Paragraph 2 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein

07/25/16 12:28:34  
St. Landry Parish Clerk of Court

3.

The allegations contained in Paragraph 3 of plaintiff's Petition for Damages are denied.

4.

The allegations contained in Paragraph 4 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

5.

The allegations contained in Paragraph 5 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

6.

The allegations contained in Paragraph 6 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

7.

The allegations contained in Paragraph 7 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

8.

There is no Paragraph 8 to plaintiff's Petition for Damages.

9.

The allegations contained in Paragraph 9 of plaintiff's Petition for Damages are denied.

10.

The allegations contained in Paragraph 10 of plaintiff's Petition for Damages are denied.

11.

The allegations contained in Paragraph 11 and subparagraphs (a) through (f) of plaintiff's Petition for Damages are denied.

12.

The allegations contained in Paragraph 12 of plaintiff's Petition for Damages are denied.

13.

The allegations contained in Paragraph 13 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

14.

The allegations contained in Paragraph 14 and subparagraphs (a) through (e) of plaintiff's Petition for Damages are denied.

15.

The allegations contained in Paragraph 15 of plaintiff's Petition for Damages are denied.

16.

The allegations contained in Paragraph 16 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

17.

The allegations contained in Paragraph 17 of plaintiff's Petition for Damages are denied. Family Dollar Stores of Louisiana, Inc. is self-insured.

18.

Defendant avers that the alleged damages of plaintiff, which alleged damages are hereby specifically denied, were the result of fault and/or negligence on behalf of third parties for whom

defendant is not responsible or legally liable, which fault and/or negligence of said third parties is hereby pled in bar to or diminution of any recovery by plaintiff.

19.

Defendant avers that the alleged damages of plaintiff, which alleged damages are hereby specifically denied, were the result of comparative negligence and/or fault of plaintiff, the particulars of which will be shown at trial of on the merits of this litigation, which fault and/or negligence is hereby pled in bar to or diminution of any recovery by plaintiff.

20.

Defendant avers that the alleged damages of plaintiff, which damages are hereby specifically denied, were the result of plaintiff's voluntary and knowing assumption of the risks, which are hereby pled in bar to or diminution of any recovery by plaintiff.

21.

Defendant avers that plaintiff has failed to mitigate damages, if any.

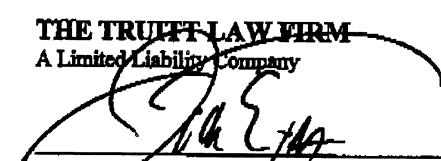
22.

Defendant prays for and is entitled to a trial by jury.

WHEREFORE, defendant prays that there be judgment herein in their favor after due and deliberate proceedings had, with all costs and attorney's fees incurred in defending this litigation assessed against plaintiff. Defendant also prays for a trial by jury and any other general or equitable relief which this Honorable Court may deem appropriate.

Respectfully submitted,

THE TRUITT LAW FIRM  
A Limited Liability Company

  
JACK E. TRUITT, BAR NO. 18476, T.A.  
PAMELA SEEBER CHEHARDY, BAR NO. 23562  
ALEXANDRA SCHULTZ, BAR NO. 35556  
AMBER LEIGH MITCHELL, BAR NO. 28846  
149 North New Hampshire Street  
Covington, Louisiana 70433  
Telephone: (985) 327-5266  
Facsimile: (985) 327-5252  
Email: [mail@truittlaw.com](mailto:mail@truittlaw.com)  
Counsel for Family Dollar Stores of Louisiana, Inc.

St. Landry Parish Clerk of Court's Office  
Filed 7-25-2016  
Cassie Miller  
Dy. Clerk

LOUISIANA 9-1-16  
I, the undersigned, certify that the above is a true  
copy of the original on file in the  
St. Landry Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on July 25, 2016.



St. Landry Parish Clerk of Court's Office

Filed 7-25-2016

Cassie Miller  
Dy. Clerk

OPELUSAS, LOUISIANA 4-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.

Cassie Miller  
Deputy Clerk of Court

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITOLAY, INC.  
LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

JURY ORDER

Considering the foregoing request for a jury trial, in accordance with La. C.C.P. Art. 1734,  
et seq., mover, Family Dollar Stores of Louisiana, Inc., shall post a jury bond in the amount of  
\$ \_\_\_\_\_. The jury bond shall be filed with the Clerk of Court within \_\_\_\_ days prior  
to trial.

The jury bond will bind mover unto the Clerk of Court in the amount of \$ \_\_\_\_\_,  
for the payment of all costs of the trial by jury in the above cause.

Opelousas, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
THE HONORABLE A. GERARD CASWELL

St. Landry Parish Clerk of Court's Office  
Filed 7-25 2016  
Cassie Miller  
Dy. Clerk

Opelousas, Louisiana 4-1 2016  
I, \_\_\_\_\_, do certify that the above is a true  
copy of the original on file in the  
27<sup>th</sup> Judicial District Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

CHARLES JAGNEAUX  
ST. LANDRY PARISH-CLERK OF COURT  
P. O. BOX 750  
OPELOUSAS, LA 70570

PHONE: (337)942-5606

FAX: (337)948-1653

Joseph Kennedy Sostand  
vs  
Family Dollar Stores of LA., Inc.  
DOCKET NO. 16-C-1167-B

1<sup>st</sup> OF 1 PAGES (Including cover page)

FROM: Clerk of Court - Cassie Miller  
TO: The Truitt Law Firm  
FAX NO: 985-327-5252

FAXED PLEADING: Answer to Petition for  
Damages, Jury Order COST: \$27

ORIGINAL PLEADINGS: 11 11

COST: \$185

TOTAL COST: \$212

COMMENTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TS 7/25/88  
Chit 3074  
7/25/88

# THE TRUITT LAW FIRM

A LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW

149 NORTH NEW HAMPSHIRE STREET  
COVINGTON, LOUISIANA 70433-3235  
E-MAIL: MAIL@TRUITTLAW.COM

TELEPHONE:  
(985) 327-5266

FACSIMILE:  
(985) 327-5252

NEW ORLEANS OFFICE:

433 METAIRIE ROAD, SUITE 209  
METAIRIE, LOUISIANA 70005  
TELEPHONE: (504) 831-3393

WRITER'S E-MAIL:  
btruit@truittlaw.com

July 22, 2016

Via Facsimile (337) 948-1653 and

Regular U.S. Mail

Clerk of Court  
27<sup>th</sup> Judicial District Court  
P.O. Box 750  
Opelousas, Louisiana 70571-0750

RE: Joseph Kennedy Sostand  
vs. Family Dollar Stores of Louisiana, Inc.  
27<sup>th</sup> JDC, Docket No.:16-C1167, "B"  
Our file No. 13-07216  
Claim No.:301537131760001  
DOL: 3/27/2015

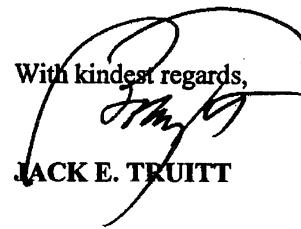
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We will remit the original pleadings and cost due within five days of today. If you have any questions, please do not hesitate to contact me.

With kindest regards,

  
JACK E. TRUITT

JET/blm  
Enclosures  
cc: Valex Amos, Jr., Esq. (*Via Facsimile Transmission (337) 291-1948 w/encl.*)

07/27/16 10:57:26  
St. Landry Parish Clerk of Court

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITOLAY, INC.  
LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

ANSWER TO PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes defendant, Family Dollar Stores of Louisiana, Inc., who respectfully answer the Petition for Damages of plaintiff as follows:

1.

The allegations contained in Paragraph 1 subparagraph (c) of plaintiff's Petition for Damages are admitted as to the status of Family Dollar Stores of Louisiana, Inc., only. All other allegations are denied for lack of sufficient information to justify a belief therein

2.

The allegations contained in Paragraph 2 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein

3.

The allegations contained in Paragraph 3 of plaintiff's Petition for Damages are denied.

4.

The allegations contained in Paragraph 4 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

5.

The allegations contained in Paragraph 5 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

6.

The allegations contained in Paragraph 6 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

Sept 27/16 10:17:38  
St. Landry Parish Clerk of Court

7.

The allegations contained in Paragraph 7 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

8.

There is no Paragraph 8 to plaintiff's Petition for Damages.

9.

The allegations contained in Paragraph 9 of plaintiff's Petition for Damages are denied.

10.

The allegations contained in Paragraph 10 of plaintiff's Petition for Damages are denied.

11.

The allegations contained in Paragraph 11 and subparagraphs (a) through (f) of plaintiff's Petition for Damages are denied.

12.

The allegations contained in Paragraph 12 of plaintiff's Petition for Damages are denied.

13.

The allegations contained in Paragraph 13 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

14.

The allegations contained in Paragraph 14 and subparagraphs (a) through (e) of plaintiff's Petition for Damages are denied.

15.

The allegations contained in Paragraph 15 of plaintiff's Petition for Damages are denied.

16.

The allegations contained in Paragraph 16 of plaintiff's Petition for Damages are denied for lack of sufficient information to justify a belief therein.

17.

The allegations contained in Paragraph 17 of plaintiff's Petition for Damages are denied.

Family Dollar Stores of Louisiana, Inc. is self-insured.

18.

Defendant avers that the alleged damages of plaintiff, which alleged damages are hereby specifically denied, were the result of fault and/or negligence on behalf of third parties for whom

defendant is not responsible or legally liable, which fault and/or negligence of said third parties is hereby pled in bar to or diminution of any recovery by plaintiff.

19.

Defendant avers that the alleged damages of plaintiff, which alleged damages are hereby specifically denied, were the result of comparative negligence and/or fault of plaintiff, the particulars of which will be shown at trial of on the merits of this litigation, which fault and/or negligence is hereby pled in bar to or diminution of any recovery by plaintiff.

20.

Defendant avers that the alleged damages of plaintiff, which damages are hereby specifically denied, were the result of plaintiff's voluntary and knowing assumption of the risks, which are hereby pled in bar to or diminution of any recovery by plaintiff.

21.

Defendant avers that plaintiff has failed to mitigate damages, if any.

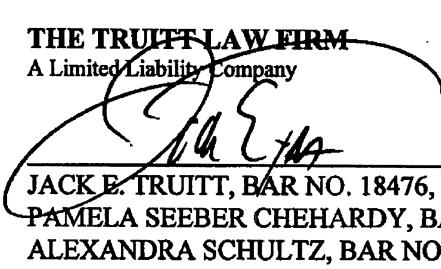
22.

Defendant prays for and is entitled to a trial by jury.

**WHEREFORE**, defendant prays that there be judgment herein in their favor after due and deliberate proceedings had, with all costs and attorney's fees incurred in defending this litigation assessed against plaintiff. Defendant also prays for a trial by jury and any other general or equitable relief which this Honorable Court may deem appropriate.

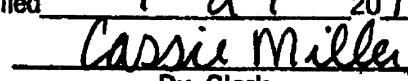
Respectfully submitted,

THE TRUITT LAW FIRM  
A Limited Liability Company

  
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Counsel for Family Dollar Stores of Louisiana, Inc.

St. Landry Parish Clerk of Court's Office

Filed 7-27-2016

  
Cassie Miller  
Dy. Clerk

OPELOUSAS, LOUISIANA 9-1-16  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.  
  
Cassie Miller  
Deputy Clerk of Court

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been duly served on all counsel of record by depositing same into the U.S. Mail, postage pre-paid, and/or by hand and/or by facsimile and/or by electronic means on July 25, 2016.



St. Landry Parish Clerk of Court's Office  
Filed 7-27-2016  
Cassie Miller  
Dy. Clerk

9-1-16  
COPPIES MADE, LOUISIANA  
This is to certify that the above is a true and correct copy of the original on file in the office of the Clerk of Court of St. Landry Parish.  
Cassie Miller  
Deputy Clerk of Court

27<sup>th</sup> JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. LANDRY

STATE OF LOUISIANA

NO: 16-C1167

DIVISION "B"

JOSEPH KENNEDY SOSTAND

VERSUS

ROLLING-FRITO-LAY SALES, LP, OLD FRITOLAY, INC.  
LEE ANTHONY SPEYRER AND ACE AMERICAN INSURANCE COMPANY,  
FAMILY DOLLAR STORES OF LOUISIANA, INC., AND XYZ INSURANCE COMPANY

FILED: \_\_\_\_\_

DEPUTY CLERK

JURY ORDER

Considering the foregoing request for a jury trial, in accordance with La. C.C.P. Art. 1734,  
et seq., mover, Family Dollar Stores of Louisiana, Inc., shall post a jury bond in the amount of  
\$ \_\_\_\_\_. The jury bond shall be filed with the Clerk of Court within \_\_\_\_\_ days prior  
to trial.

The jury bond will bind mover unto the Clerk of Court in the amount of \$ \_\_\_\_\_,  
for the payment of all costs of the trial by jury in the above cause.

Opelousas, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

THE HONORABLE A. GERARD CASWELL

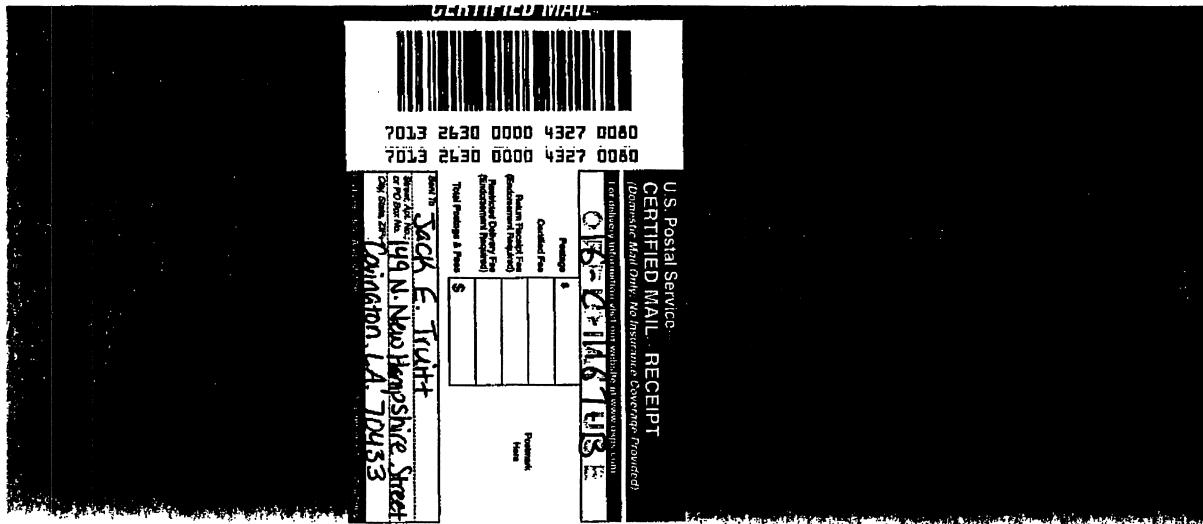
CIVIL JURY TRIAL ORDER  
IT IS ORDERED that there be trial  
by jury and that Mover furnish Cash  
Bond for Costs in the amount of  
\$ 2,800.00 ninety(90) days  
prior to Jury selection.  
L.C.C.P Art 1734.1 (A) Opelousas, LA

CIVIL JURY TRIAL ORDER  
IT IS ORDERED that there be trial  
by jury and that Mover furnish Cash  
Bond for Costs in the amount of  
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prior to Jury selection.  
L.C.C.P Art 1734.1 (A) Opelousas, LA

A. Gerard Caswell

OPELOUSAS, LOUISIANA 9-1-2016  
This is to certify that the above is a true  
and correct copy of the original on file in the  
office of the Clerk of Court of St. Landry Parish.

Cassie Miller  
Deputy Clerk of Court



**CHARLES JAGNEAUX**  
CLERK OF COURT  
ST. LANDRY PARISH  
P.O. BOX 750  
OPELOUSAS, LOUISIANA 70571-0750

**VALEX AMOS, JR**  
**VALEX AMOS, JR.**  
**2014 W PINHOOK RD, STE 404**  
**LAFAYETTE, LA 70508**

**CHARLES JAGNEAUX**  
CLERK OF COURT  
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P.O. BOX 750  
OPELOUSAS, LOUISIANA 70571-0750

**MATTHEW W BAILEY**  
**IRWIN FRITCHIE URQUHART & MOOR**  
**400 CONVENTION ST STE 1001**  
**BATON ROUGE, LA 70802**

mailed  
8-1-16